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**Introduced by Senator Sher**

February 24, 1999

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An act to add Section 820.3 to the Government Code, relating to public employee liability.

LEGISLATIVE COUNSEL'S DIGEST

SB 763, as introduced, Sher. Public employee liability.

Existing law provides that, except as otherwise provided by statute, a public employee is not liable for an injury resulting from his or her act or omission where the act or omission was the result of the exercise of the discretion vested in the employee, whether or not that discretion is abused.

This bill would provide that for the purposes of discretionary immunity the representation by a public defender of a client shall be deemed an exercise of discretion for the purposes of any legal malpractice action that may result from that representation.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION   1. Section 820.3 is added to the  
2     Government Code, to read:  
3     820.3. For the purposes of Section 820.2, the  
4     representation by a public defender of a client shall be  
5     deemed an exercise of discretion with respect to any legal

1 malpractice action that may result from that  
2 representation.

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